


**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

EDWIN BHATTI,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-19-0655-F
	)	
SSM HEALTH CARE OF	)	
OKLAHOMA, INC., d/b/a SAINT	)	
ANTHONY HOSPITAL,	)	
	)	
Defendant.	)	

**ORDER**

Defendant's reply brief (doc. no. 54) filed in connection with the pending motion for summary judgment includes new matters (for example, new exhibits at doc. no. 54, ex. 1-6) which were not previously submitted in support of defendant's motion for summary judgment. When a court is confronted with new material in a reply brief filed in support of a motion for summary judgment, the court may permit a sur-reply brief or it may refrain from relying on the new material. Doebele v. Sprint/United Management Co., 342 F.3d 1117, 1139 at n. 13 (10<sup>th</sup> Cir. 2003). Although the court, in this case, may or may not rely on the new matters or exhibits attached to the reply brief, it reserves the option to do so. Accordingly, if plaintiff disputes any of these new matters or exhibits, or if plaintiff wishes to respond to them, plaintiff is permitted to file a short sur-reply brief for that limited purpose. Any such sur-reply brief is **DUE** within seven days of the date of this order.

IT IS SO ORDERED this 4<sup>th</sup> day of December, 2020.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE